

REMARKS

Claims 14, 26, 28, 31 and 32 have been amended to correct for a lack of antecedent basis. Upon entry of this Amendment, which is respectfully requested, Claims 1-33 will be pending.

Response to Claim Objections

Claims 14, 26, 28, 31 and 32 were objected to because of informalities.

Claims 14, 26, 28, 31 and 32 have been amended to correct for the lack of antecedent basis. Accordingly, withdrawal of the objection is respectfully requested.

Response to Rejection under § 112

Claims 1-33 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants respectfully submit that the German word “kraftschlussig” as used in the German patent application underlying the present U.S. application, corresponds to the English word “nonpositive.” *See*, Dr.-Ing. Richard Ernst, “Dictionary of Engineering and Technology,” Volume II, 5th edition, attached. Similar English expressions that have almost the same meaning as “nonpositive” include “force-connected” or “force-fitting connected.” Thus, one skilled in the art would understand the phrase “a nonpositive manner” to have a similar meaning as “a force connected manner” or “a force fitting connected manner.” Accordingly, withdrawal of the rejection is respectfully requested.

Response to Rejection Under § 102

Claims 1-3, 7, 8, 10, 11, 16, 17-19, 22-24, 26, 30 and 31 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,405,675 to Sawka et al. Applicants respectfully traverse.

Sawka discloses an embossed multilayer film comprising an embossed base layer and a conformable substantially uniformly thick protective surface layer that overlies the base layer. *See*, Abstract. Further, as seen in Example 2 at col. 14-15, Sawka discloses that the multilayer film is thermomechanically embossed (e.g., at a temperature of 155°C and a pressure of about 100 to 300 bars) resulting in the claimed embossed multilayer film. Thus, Sawka discloses that the planar multilayer film comprising a couple of planar sheets, represented by Fig. 1, is thermomechanically embossed.

In contrast, the floor covering according to the present application is formed by the nonpositive joining of a base layer of a thermoplastic material having an embossed surface on the upper side, and a transparent cover layer of a thermoplastic material. Thus, a multilayer plastic web or sheet is formed comprising a base layer that is surface embossed on one side and a transparent cover layer arranged on the embossed surface of the base layer wherein the cover layer is joined to the base layer in a nonpositive manner. Accordingly, the embossed structure is transferred from the base layer in the underside of the cover layer.

The process as disclosed in Sawka is not capable of transferring an embossed structure from the base layer in the underside of the cover layer, since the whole planar multilayer stack is embossed. In fact, no embossing structure is transferred from a base layer at all, since all of the planar sheets are compacted together. Thus, Sawka neither anticipates nor renders obvious the present claims. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-11 and 14-33 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by either U.S. Patent No. 4,409,280 to Wiley et al. or U.S. Patent No. 5,773,127 to Martinet al. Applicants respectfully traverse.

Wiley and Martin both relate to a so-called chemical embossing technique which fails to provide a multilayer plastic web or sheet comprising a base layer that is surface embossed on one side and a transparent cover layer arranged on the embossed surface of the base layer wherein the cover layer is joined to the base layer in a nonpositive manner such that the embossed structure is transferred from a base layer in the underside of the cover layer.

When applying a so-called chemical embossing technique, those areas of a foamable plastisol where a foam retardation ink is applied do not expand upon the application of heat. Further, those areas of a foamable plastisol where no foam retardation ink is applied significantly expand upon the application of heat. Accordingly, the embossed final structures as disclosed in the Examples of Wiley and Martin are formed.

Wiley and Martin fail to disclose or suggest that an embossed structure on one side of a base layer may be transferred from the base layer in the underside of the cover layer since such a structure would not be possible by applying a chemical embossing technique starting from a plastisol. Thus, Wiley and Martin fail to anticipate or render obvious the present claims. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Rejection Under § 103

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over any of Wiley, Sawka or Martin. Applicants respectfully traverse.

Applicants respectfully submit that Claims 12 and 13 are patentable at least by virtue of their ultimate dependence from Claim 1.

In addition, none of the cited prior art documents teaches or suggests the floor covering according to the present invention. For similar reasons as outlined above, Sawka, Wiley and Martin fail to disclose or suggest an embossed structure which is transferred from the base layer

in the underside of a transparent cover layer as defined in the main product claim of the present application. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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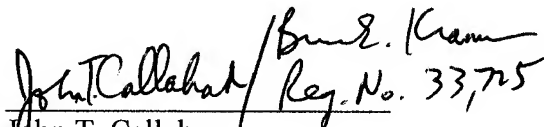
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


John T. Callahan
Registration No. 32,607

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DR.-ING. RICHARD ERNST

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